

MINUTES

SAN DIEGO COUNTY PLANNING COMMISSION

Regular Meeting – July 9, 2004

DPLU Hearing Room, 9:00 a.m.

The meeting convened at 9:00 a.m. and adjourned at 11:00 a.m.

ROLL CALL

Commissioners Present: Beck, Brooks, Day, Kreitzer, Miller, Woods

Commissioners Absent: Edwards

Advisors Present: Taylor (County Counsel)

Staff Present: Pryor, Hulse, Stocks, Murphy, (Owens, Recording Secretary)

1. Director's Report:

There was none.

2. Public Requests:

Opportunity for members of the public to speak to the Commission on any subject matter with the Commission's jurisdiction but not an item on today's agenda.

There were none.

3. Approval of Minutes:

Approval of the minutes March 19, 2004, April 2, 2004, May 14, 2004

Ayes: 6 - Beck, Brooks, Day, Kreitzer, Miller, Woods

Noes: 0 None

Abstain: 0 - None

Absent: 1 - Edwards

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4. Schoepe Enterprises: Appeal of a Planning and Environmental Review Board Decision to Deny Tentative Map (TM 5223RPL¹), Major Use Permit (P00-030), Fallbrook Subregional Plan Area

This is an appeal of a Planning and Environmental Review Board (PERB) decision to deny a request to subdivide 263.17 acres into 46 residential lots. The Tentative Map is accompanied by a Major Use Permit for a Planned Development. The project site is subject to the (19) Intensive Agriculture Land Use Designation of the Pala Pauma Subregional Plan. The zoning includes the A70 Use Regulation and a minimum lot area designator of 4 acres. Pursuant to Section 6600 of the Zoning Ordinance, the project proposes a reduction in the minimum lot size to 2 acres through the Major Use Permit for the Planned Development, thus allowing large contiguous portions of the project area to be retained as open space. The project site is located in the Pauma Valley northerly of the intersection of Highway 76 (Pala Road) with Adams Drive.

Staff Presentation: Stocks

The Planning and Environmental Review Board (PERB) and the Department of Planning and Land Use (DPLU) are recommending that the Planning Commission deny the project for lack of progress in completing the required environmental documents. The application was originally submitted in August 2000. At that time the applicant was required to prepare a number of extended initial studies as outlined in the staff report. After the initial scooping, the applicant requested and was granted a number of extensions. The main reasons given were: they needed time to prepare an unusually complicated geotechnical study; discovery of an archaeology site requiring redesign of the project, and, the original owner has passed away and the new owner needed time to familiarize himself with the project. After three extensions that provided for an additional ten months the first iteration studies were submitted in December of 2001. The first iteration comment letter was issued in January 2002 with a due date for the next submittal in March 2002. Prior to the due date the applicant requested that the Department proceed with requiring an Environmental Impact Report (EIR). The Department agreed to move forward with the EIR and issued the Notice of Preparation (NOP) in June 2002. The submittal due date for the EIR was set for November 2002. The applicant has been unable to submit the EIR for various reasons and the final date given to them was January 23, 2004. The Director met with the applicant on February 19, 2004, where the following reasons were given for their inability to submit the EIR; death of the original owner; GP 2020 put the property status in limbo and as a result the viability of the

project design was in doubt and the rural lands initiative, if passed on March 2, 2004 would have dictated 40-acre lots for the project site. The Director determined that these reasons are not sufficient to have prevented the applicant from completing and submitting the EIR. This item was heard by PERB on May 6, 2004 with a recommendation of denial. PERB voted to deny the project due to lack of progress in the preparation of the EIR pursuant to CEQA Section 15109. The applicant has appealed the decision based on the above reasons.

Proponents: 1; **Opponents:** 2

Discussion:

Commissioner Brooks commented that Mr. Stedt testified that he was redesigning the project but staff has testified that the applicant has not provided any of the necessary documents.

The Commission asked if the studies that the applicant submitted would still be valid if the project is denied. Staff replied that most of the studies would remain valid, but some of the biology studies may not be.

Commissioner Beck said he would support staff's recommendation to deny the appeal. Four spring seasons have come and gone since this project was first proposed and the applicant has not submitted the required environmental documents. The applicant was given ample time by staff to submit the required documents. It is unfortunate that investments are made and may be not realized. The public policies that have been established have to apply to everyone.

Action: Woods – Kreitzer

Adopt the Resolution denying Tentative Map TM 5223RPL¹ and Major Use Permit P00-030.

Ayes: 6 - Beck, Brooks, Day, Kreitzer, Miller, Woods
Noes: 0 - None
Abstain: 0 - None
Absent: 1 - Edwards

5. 4S Ranch Garden Walk; Tentative Map, TM 5327RPL and Site Plan, S03-050, San Dieguito Community Plan Area

This is a request for a Tentative Map for a one-lot condominium subdivision map in Neighborhood 3 of the 4S Ranch Specific Plan. The parcel is 14.4 acres and is zoned (P) Provisional RV12, Variable Residential Use Regulation. A Site Plan is required for the proposed project pursuant to the 4S Ranch Specific Plan, which placed a Special Area Regulation Designator "D1" on the parcel, and therefore requires the parcel to be developed pursuant to a Site Plan. The property is located at the intersection of Camino San Thomas and 4S Ranch Parkway; approximately 650 feet north of Rancho Bernardo Road. The site is subject to the S88, Specific Plan Use Regulations and the (P) Provisional RV12. The parcel is in the Current Urban Development Area of the General Plan, (21) Specific Plan Area and is located in the San Dieguito Community Plan Area. The RV12 Use Regulations will be established on the site with the recordation of the Final Map of this Tentative Map. The RV12 Use Regulations allow for a variety of single-family units, condominiums or apartments.

Proponents: 1; **Opponents:** 0

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This Item was approved on consent.

Action: Kreitzer - Brooks

Adopt the attached Resolutions approving TM 5327RPL and S03-050, which makes the appropriate findings and includes those requirements and conditions necessary to ensure that the project is implemented in a manner consistent with the Subdivision Ordinance and State Law.

Ayes: 6 - Beck, Brooks, Day, Kreitzer, Miller, Woods
Noes: 0 None
Abstain: 0 - None
Absent: 1 - Miller

6. SANDAG

The Regional Comprehensive Plan (RCP) serves as the long-term planning framework for the San Diego region. It provides a broad context in which local and regional decisions can be made that move the region toward a sustainable future – a future with more choices and opportunities for all residents of the region. The RCP better integrates our local land use and transportation.

Presenter: Bob Leiter

A video was shown to the Commission of the Regional Comprehensive Plan (RCP) for the San Diego Region.

7. County Counsel's report on Legal Developments (Taylor, OCC)

Continue to the meeting of July 23, 2004

8. Regulation of Off-Road Vehicle Use (Hulse)

In a response to a request from the public during the May 14, 2004 Planning Commission hearing, staff was directed to return with a discussion on the potential of off-road vehicle in the County of San Diego

In the April 1, 2003 Director's decision, motorcycle use was limited to no more than six participant at one time on a 40-acre property.

Options that are available in amending the Zoning Ordinance are: no change to current regulations, establish a new designator or limit off-road vehicle within selected geographic areas. Restrict off-road vehicle by zones, e.g., prohibit off-road vehicles use within residential or commercial zones.

Riverside County is requiring special permits within certain zones.

Code Enforcement, DPLU, has investigated approximately 6,000 complaints within the last 18 months and only 51 of these complaints were related to noise association for off-road motorcycle use.

The primary concern associated with establishing new ordinances regulating off-road vehicle use is enforcement.

The Department recommends that the Planning Commission determine that amendments to the Zoning Ordinance to further restrict off-road vehicle use is not warranted at this time.

Testimony was presented by Dutch Vanderodock that he is working with the Board of Supervisors on an ordinance relating to motorcross issues.

Commissioner Beck said he was disappointed that staff is not offering some tools or recommendations to address this issue. He said the Commission at this time would like more time to think about addressing the concerns expressed by the public on motorcross issues.

Administrative:

9. Report on actions of Planning Commission's Subcommittees:

There were none.

10. Designation of member to represent the Planning Commission at Board of Supervisors meeting(s):

There were none.

11. Discussion of correspondence received by the Planning Commission:

There were none.

14. Scheduled Meetings

July 23, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
August 6, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
August 20, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
September 3, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
September 17, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
October 1, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
October 15, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
October 29, 2004	Planning Commission Workshop, DPLU Hearing Room, 9:00 a.m.
November 5, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
December 3, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.
December 17, 2004	Regular Meeting, DPLU Hearing Room, 9:00 a.m.

There being no further business to be considered at this time, the Chairperson adjourned the meeting at 11:00 a.m. to 9:00 a.m. on July 23, 2004 in the DPLU Hearing Room, 5201 Ruffin road, Suite B, San Diego, California.